

### Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### Listing of Claims:

1. (CURRENTLY AMENDED) A rice seed designated RH103, wherein a representative sample of said seed has been deposited under ATCC Accession No. \_\_\_\_\_ No. PTA-4773.
2. (PREVIOUSLY PRESENTED) A rice plant, or a part thereof, produced by growing the seed of claim 1.
3. (ORIGINAL) Pollen of the plant of claim 2.
4. (ORIGINAL) An ovule of the plant of claim 2.
5. (PREVIOUSLY PRESENTED) A rice plant, or a part thereof, having all of the physiological and morphological characteristics of the rice plant of claim 2.
6. (PREVIOUSLY PRESENTED) A tissue culture of regenerable cells or protoplasts produced from the rice plant of claim 2.
7. (PREVIOUSLY PRESENTED) The tissue culture of claim 6 wherein the cells or protoplasts of the tissue culture are produced from a tissue selected from the group consisting of embryos, meristematic cells, pollen, leaves, anthers, roots, root tips, flowers, seeds, and stems.
8. (PREVIOUSLY PRESENTED) A rice plant regenerated from the tissue culture of claim 7, wherein said plant has all the physiological and morphological characteristics of the rice plant grown from rice seed designated RH103.
9. (PREVIOUSLY PRESENTED) A method for producing a rice seed wherein the method comprises crossing a first parent rice plant with a second parent rice plant and harvesting the resultant hybrid rice seed, wherein said first parent rice plant or second parent rice plant is the rice plant of claim 2.
10. – 21. (CANCELED)

22. (PREVIOUSLY PRESENTED) A method of producing an herbicide resistant rice plant wherein the method comprises transforming the rice plant of claim 2 with a transgene that confers herbicide resistance.

23. (PREVIOUSLY PRESENTED) An herbicide resistant rice plant produced by the method of claim 22.

24. (PREVIOUSLY PRESENTED) A method of producing an insect resistant rice plant wherein the method comprises transforming the rice plant of claim 2 with a transgene that confers insect resistance.

25. (PREVIOUSLY PRESENTED) An insect resistant rice plant produced by the method of claim 24.

26. (PREVIOUSLY PRESENTED) A method of producing a disease resistant rice plant wherein the method comprises transforming the rice plant of claim 2 with a transgene that confers disease resistance.

27. (PREVIOUSLY PRESENTED) A disease resistant rice plant produced by the method of claim 26.

28. (PREVIOUSLY PRESENTED) A method of producing a rice plant with modified fatty acid or carbohydrate metabolism wherein the method comprises transforming the rice plant of claim 2 with one or more transgenes encoding a protein selected from the group consisting of fructosyltransferase, levansucrase, alpha-amylase, invertase and starch branching enzyme; or comprising an antisense gene of stearyl-ACP desaturase.

29. (PREVIOUSLY PRESENTED) A rice plant produced by the method of claim 28.

30. (CURRENTLY AMENDED) A method of introducing a desired trait into rice hybrid RH103 wherein the method comprises:

- (a) crossing the RH103 plants, representative seed deposited under ATCC Accession No. ~~PTA-\_\_\_\_\_~~ PTA-4773, with plants of another rice line that comprise a desired trait to produce F1 progeny plants, wherein the desired trait is selected from the group consisting of male sterility,

herbicide resistance, insect resistance and resistance to bacterial, fungal or viral disease;


- (b) selecting F1 progeny plants that have the desired trait to produce selected F1 progeny plants;
- (c) crossing the selected F1 progeny plants with the RH103 plants to produce first backcross progeny plants;
- (d) selecting for first backcross progeny plants that have the desired trait and physiological and morphological characteristics of rice hybrid RH103 to produce selected first backcross progeny plants; and
- (e) repeating steps (c) and (d) three or more times in succession to produce selected fourth or higher backcross progeny plants that comprise the desired trait and all of the physiological and morphological characteristics of rice hybrid RH103 as described in the VARIETY DESCRIPTION INFORMATION and as determined at a 5% significance level when grown in the same environmental conditions.

31. (PREVIOUSLY PRESENTED) A plant produced by the method of claim 30, wherein the plant has the desired trait and all of the physiological and morphological characteristics of rice hybrid RH103 as described in the VARIETY DESCRIPTION INFORMATION and as determined at a 5% significance level when grown in the same environmental conditions.

## REMARKS

The specification has been amended to include the ATCC deposit information. A receipt from ATCC is attached. Claims 1 and 30 have been amended to state the ATCC accession number. No new matter is included in these amendments.

Applicant respectfully requests entry of the foregoing amendments to the specification and claims.

RESPECTFULLY SUBMITTED,					
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# ATCC

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## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

RiceTec, Inc.  
Attn: Dr. Mark F. Walton  
PO BOX 1305  
—Alvin, TX 77512

Deposited on Behalf of: RiceTec, Inc.

#### Identification Reference by Depositor:

Rice Seed "Ortyza sativa": RH101  
Rice Seed "Ortyza sativa": RH102  
Rice Seed "Ortyza sativa": RH103

#### Patent Deposit Designation

PTA-4771  
PTA-4772  
PTA-4773

The seeds were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above. The seeds were received October 23, 2002 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested October 30, 2002. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: November 6, 2002

cc: Jondle & Associates  
(Ref: Docket or Case No.: N1405-005)